

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1884/1dn  
RNK:wlj:jf

December 5, 2013

This redraft incorporates the most recent requested revisions and makes some minor nonsubstantive changes for the purpose of clarity. Please note the following:

1. The draft creates an exemption to the general permit requirement under s. 30.12, stats., for the placement of structures or material on the bed of a navigable water. The previous version of the draft specified that if the exemption relates to the deposit of material associated with the response to a release of drilling fluid, the deposit may not affect more than one-tenth of one acre. I think this size limitation is unclear. Consequently, I have specified in the draft that the deposit may not affect more than one-tenth of one acre of lake bed. Is this consistent with your intent?
2. The draft refers to “cooperatives” inconsistently. In s. 30.025, the draft refers to a “cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power, or water to its members only.” In the exemption created in the draft under s. 30.12 (1mn), the draft refers to “a wholesale electric cooperative, as defined in s. 16.957 (1) (v)”. In s. 59.692 (1n), the draft creates an exemption that applies only to an “electric cooperative” defined as a “cooperative association that is organized under ch. 185 for the purpose of providing electricity at wholesale or retail to its members only.” Are these different terms and different definitions in these provisions consistent with your intent?
3. With regard to the exemption to shoreland zoning ordinances created in s. 59.692 (1n) in the draft, I think that some of the language in this provision is vague. The language provides that a utility or electric cooperative is exempt from shoreland zoning ordinances if DNR has issued all permits required for the project. The provision does not define the term “permit.” Do you want to define “permit” as having the same meaning as a permit under s. 30.025, stats.? Also, the exemption applies if no DNR permits are required but the utility or electric cooperative employs best management practices related to storm water management. If the utility or cooperative must employ best management practices related to storm water management, isn't it also likely that the utility or cooperative would require a storm water discharge permit? That is, would this exemption condition ever apply?
4. Under 2013 Senate Bill 183, which has passed both houses of the legislature, cities and villages are required to enact shoreland zoning ordinances that cover certain annexed and incorporated shorelands. Assuming that this bill is signed by the

governor, do you want this draft to include exemptions to city and village shoreland zoning ordinances that are similar to the exemption created in this draft with regard to county shoreland zoning ordinances?

Please feel free to contact me if you have any questions about this draft.

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